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PCT LEGAL ADMINISTRATION

In re Application of:	:	
FELTEN, Frederic	:	
U.S. Application No.: 10/599,294	:	DECISION
PCT No.: PCT/FR2005/050186	:	(37 CFR 1.47(b))
International Filing Date: 22 March 2005	:	
Priority Date: 25 March 2004	:	
Attorney's Docket No.: 324-189	:	
For: COMMUNICATION STATE	:	
PUBLISHING GATEWAY	:	

This decision is issued in response to applicants' "PETITION UNDER 37 CFR 1.47(b) FILING WHEN AN INVENTOR IS UNAVAILABLE" filed 29 July 2010.

**BACKGROUND**

On 22 March 2005, applicant filed international application PCT/FR2005/050186. The international application claimed a priority date of 25 March 2004, and it designated the United States. On 06 October 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 25 September 2006.

An executed declaration under PCT Rule 4.17(iv) from sole inventor Frederic FELTEN was filed during the international phase.

On 25 September 2006, , applicants filed materials to initiate the present national stage application including, among other materials, an English translation of the international application, an application data sheet (ADS), a declaration executed by the sole inventor of record, Frederic FELTEN, and payment of the basic national fee.

On 09 May 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) indicating that the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4), including the oath or declaration requirement, were satisfied as of 25 September 2006.

The application was subsequently examined and, on 29 April 2010, a "Notice Of Allowance And Fee(s) Due" (Form PTOL-85) and "Notice of Allowability" (Form PTOL-37) were mailed.

On 29 July 2010, applicants filed payment of the issue and publication fees, accompanied by the petition under 37 CFR 1.47(b) considered herein. The petition requests acceptance of a declaration executed by the assignee on behalf of the sole inventor, Frederic FELTEN, whom petitioners assert cannot be reached after diligent effort.

### **DISCUSSION**

As confirmed in the "Notification Of Acceptance" mailed on 09 May 2007, an acceptable declaration executed by the sole inventor was submitted herein on 25 September 2006. This declaration satisfied the declaration requirement for a national stage application under 35 U.S.C. 371(c)(4) and 37 CFR 1.497.

In view of applicant's prior submission herein of an acceptable declaration executed by sole inventor Frederic FELTEN, the present petition under 37 CFR 1.47(b) requesting acceptance of a declaration without the signature of inventor Frederic FELTEN is appropriately dismissed as moot.

The \$130 petition fee included with the petition will be refunded to petitioner.

### **CONCLUSION**

The petition under 37 CFR 1.47(b) requesting acceptance of a declaration without the signature of the sole inventor is **DISMISSED AS MOOT**.

A declaration executed by the sole inventor of record has been previously submitted in the present application.

The \$130 petition fee submitted with the present petition will be refunded to petitioner.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

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